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FACSIMILE COVER LETTER

From : Richard A. Romanchik
NexPress Digital LLC
Rochester, New York, U.S.A.
Telephone : (585) 512-8581
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To : Attn: Examiner -- Thai, Cuong T

Telephone :
Facsimile : (703) 872-9306

Date : 8 September 2004
Pages : 20, including this cover page

RE: Application Serial No.: 09/803,387
Docket No.: 10004 CIP
"Request for Withdrawal of a Notice of Improper Request for Continued Examination (RCE)" paperwork transmitted herewith.

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PATENT
Docket No: 10004-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rostocil et al.

Serial No: 09/803,387
Filed: 03/09/2001
For: SYSTEM AND METHOD FOR VISUAL
REPRESENTATION AND
MANIPULATION OF TABS ON A
PRODUCTION PRINTER

Examiner: Thai, Cuong T
Group Art Unit: 2173


TRANSMITTAL LETTER

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Transmitted herewith is/are the following document(s) related to the above-identified application:

- [X] Copy of Office Communication mailed on 09/03/2004
- [X] Request for Withdrawal of a Notice of Improper Request for Continued Examination (RCE)
- [X] Copy of items mailed to the office on July 20, 2004 including:
 - [X] RCE PTO/SB/30 (in duplicate)
 - [X] Amendment
 - [X] Return Receipt Postcard

Respectfully submitted,



Richard A. Romanchik
Attorney for Applicant(s)
Registration No. 33,766

NexPress Digital LLC
2600 Manitou Road
Rochester, New York 14624
Telephone: (585) 726-7522
Facsimile: (585) 726-7554

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office at (703) 872-9306 on the date indicated below.

September 8, 2004

Date of Transmission

Debra M. Haag

Transmitted by: Debra M. Haag



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,387	03/09/2001	Tomas Roztocil	10432/60	7392

7590

09/03/2004

Richard A Romanchik
Heidelberg Digital L.L.C
2600 Manitou Road
Rochester, NY 14624

EXAMINER

THAI, CUONG T

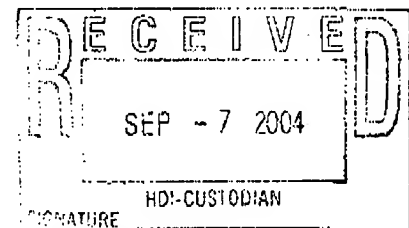
ART UNIT

PAPER NUMBER

2173

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 7-22-04 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

Efrem Warren, Technology Center 2100

(703) 305 - 2943

FORM PTO-2051 (Rev. 7/2003)

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September 8, 2004
Date of Transmission
Debra M. Haag
Name
Debra M. Haag
Signature

Docket No. 10004-CIP

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roztocil et al.

Serial No: 09/803,387
Filed: 03/09/2001
For: SYSTEM AND METHOD FOR
VISUAL REPRESENTATION
AND MANIPULATION OF TABS
ON A PRODUCTION PRINTER

Examiner: Thai, Cuong T
Group Art Unit: 2173

REQUEST FOR WITHDRAWAL OF A NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

Applicants hereby respectfully request withdrawal of the NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE) mailed 09/03/04 in regards to the above identified application.

Upon information and belief, a "Request For Continued Examination (RCE) Transmittal", an "Amendment" in response to the Office Action dated 04/20/2004, a Transmittal Letter and a return receipt postcard were mailed on July 20, 2004, with a certificate of first class mail. Copies of these papers are transmitted herewith. The USPTO never returned a stamped the postcard.

Applicants respectfully submit that the "Request For Continued Examination (RCE) Transmittal" and "Amendment" were in compliance with 37 C.F.R. 1.114, were

timely filed, and received at the USPTO. As such, the holding of an improper REQUEST FOR CONTINUED EXAMINATION (RCE) is in error and Applicants respectfully request that it be withdrawn.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

If any questions or issues remain with regard to this request, please contact the undersigned at the telephone number(s) provided below.

Respectfully Submitted,



Richard A. Romanchik
Registration No. 33,766
Attorney for Applicant

NexPress Digital LLC
2600 Manitou Road
Rochester, New York 14624
Telephone: (585) 726-7522
Facsimile: (585) 726-7554

Commissioner for Patents

Applicant: Roztocil et al.
Title of Invention: SYSTEM AND METHOD FOR VISUAL
REPRESENTATION AND MANIPULATION OF TABS ON
A PRODUCTION PRINTER
Serial Number: 09/803,387
Docket No.: 10004-CIP
Attorney: Richard A. Romanchuk

☒ Transmittal Letter
☒ RCE PTO/SB/30 (in duplicate)
☒ Amendment
☒ Return Receipt Postcard

RECEIPT ACKNOWLEDGED

ENTERED INTO HDI PATENT DATABASE

Date: 7-20-04

Initials of

Employee Entering Info: DA



Mark G. Bocchetti, Esq.
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

PATENT
Docket No. 10004-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rostocil et al

Serial No: 09/803,387

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Examiner: THAI, CUONG T

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Richard A. Romanchik
Attorney for Applicant(s)
Registration No. 33,766

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2600 Mantou Road
Rochester, New York 14624
Telephone: (585) 512-8581

CERTIFICATE OF MAILING

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MAIL STOP RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

July 20, 2004 Debra M. Haag

Date of Deposit

Depositor:

Debra M. Haag

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal	
Application Number	09/803,387
Filing Date	03/09/2001
First Named Inventor	Tomas Roztocil
Art Unit	2173
Examiner Name	THAI, CUONG T
Attorney Docket Number	10004-CIP

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **(Submission required under 37 CFR 1.114)** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 05-0225

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

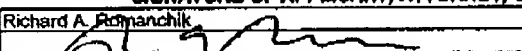
iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Richard A. Romanchik	Registration No. (Attorney/Agent)	33,766
Signature		Date	July 20, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Debra M. Haag	Date	July 20, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/30 (09-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/803,387
Filing Date	03/09/2001
First Named Inventor	Tomas Rozlocl
Art Unit	2173
Examiner Name	THAI, CUONG T
Attorney Docket Number	10004-CIP

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- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other: _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

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- b. ☐ Other _____

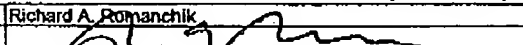
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- i. ☒ RCE fee required under 37 CFR 1.17(a)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
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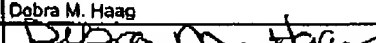
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Richard A. Romanchik	Registration No. (Attorney/Agent)	33,768
Signature		Date	July 20, 2004

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Name (Print/Type)	Dobra M. Haag	Date	July 20, 2004
Signature			

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